

REMARKS

Claims 1-10 and 12-25 were pending in the subject application. Of these, claims 24 and 25 are withdrawn. In the amendments above, applicants have amended claim 1 to more particularly define the subject invention and have canceled claim 12 without prejudice or disclaimer. Upon entry of this Amendment, claims 1 as amended, 2-12 and 13-23 will be pending and under examination.

Claims 1-6, 10, and 12-17 have been rejected under 35 U.S.C. 103(a) as obvious over Bergersen, U.S. Patent No. 4,784,605 ("Bergersen I") in view of DeLuke, U.S. Patent No. 6,837,246 ("DeLuke").

Claims 7-9 and 18-23 have been rejected under 35 U.S.C. 103(a) as obvious over Bergersen I in view of DeLuke and further in view of Bergersen, U.S. Patent No. 5,645,420 ("Bergersen II").

Applicants respectfully traverse each of the above rejections.

Applicants maintain that Bergersen I cited by the Examiner as the primary reference for the above obviousness rejections does not teach each and every element of applicants' invention as now recited in amended claim 1. Bergersen I does not disclose that the lower jaw side surface of applicants' odontological device has a lower wing constricting a tongue at least sideways and being shaped to further placement of the device in an individual's mouth, said lower wing being arranged to extend vertically downward following essentially the shape of the lower jaw side and reach the immediate proximity of the base of the mouth cavity. In fact, Bergersen I does not disclose any lower ring at all.

Applicants' invention provides a lower wing which not only constricts the tongue at least sideways and is shaped to help keep the device stationary in the mouth of the individual who uses it, but it is also arranged to reach the immediate proximity of the base of the mouth cavity by extending vertically downward following essentially the shape of the lower jaw side, as now recited in amended claim 1.

Applicants maintain that neither DeLuke nor Bergersen II cure this deficiency. Specifically Bergersen II also fails to disclose a lower wing at all. Although DeLuke discloses a "lower wing" of a tongue training device, DeLuke's device is designed for the upper dental arch, i.e. the upper jaw side. Accordingly, DeLuke's lower wing which consist of U-shaped cups which curve inwards and up such that the wing extends laterally beneath the tongue cannot reach the lower dental arch, i.e. the lower jaw side where the lower wing is located in applicant's invention. In contrast, applicants' claimed lower wing extends generally vertically downward close to the base of the mouth cavity, as essentially following the shape of the lower jaw arch. DeLuke's lower wing is shaped to support the front portion of the tongue, while applicants' lower wing is shaped to constrict the tongue from its sides.

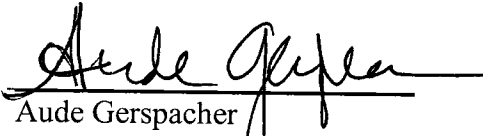
In view of the amendments and remarks above, applicants maintain that claim 1 as amended, claims 2-10 and 13-23 are not obvious over Bergersen I in view of DeLuke alone or in further view of Bergersen II and are in condition for allowance. Applicants respectfully request that the Examiner reconsider and withdrawn these rejections under 35 U.S.C. §103.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Reconsideration and allowance of the claims herein are respectfully requested.

Respectfully submitted,

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